

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 181

Introduced by Schimek, 27; Aguilar, 35; Byars, 30; Connealy, 16;
Preister, 5; Price, 26

Read first time January 7, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections
2 28-101 and 28-710, Revised Statutes Supplement, 2004; to
3 provide a penalty for leaving a child unattended in a
4 motor vehicle as prescribed; to harmonize provisions; and
5 to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement,
2 2004, is amended to read:

3 28-101. Sections 28-101 to 28-1350 and section 2 of this
4 act shall be known and may be cited as the Nebraska Criminal Code.

5 Sec. 2. (1) The purpose of this section is to help
6 prevent injuries to, and the death of, young children from the
7 effects of being left alone in a motor vehicle and to authorize a
8 fine to be imposed on a person for leaving a young child alone in a
9 motor vehicle.

10 (2) Any person who leaves a child six years of age or
11 younger unattended in a motor vehicle is guilty of an infraction.
12 The minimum fine for violation of this section is one hundred
13 dollars.

14 (3) For purposes of this section, unattended means the
15 person does not have the direct ability to care for or come to the
16 aid of the child.

17 (4) It is not a violation of this section if the child is
18 being supervised by a competent person of at least twelve years of
19 age.

20 (5) This section does not apply if the child is injured
21 or receives medical attention as a result of a violation of this
22 section.

23 (6) A violation of this section does not preclude
24 prosecution under section 28-707 or any other law.

25 Sec. 3. Section 28-710, Revised Statutes Supplement,
26 2004, is amended to read:

27 28-710. For purposes of sections 28-710 to 28-727,
28 unless the context otherwise requires:

1 (1) Abuse or neglect means knowingly, intentionally, or
2 negligently causing or permitting a minor child to be:

3 (a) Placed in a situation that endangers his or her life
4 or physical or mental health;

5 (b) Cruelly confined or cruelly punished;

6 (c) Deprived of necessary food, clothing, shelter, or
7 care;

8 (d) Left unattended in a motor vehicle if such minor
9 child is six years of age or younger and is injured or receives
10 medical attention as a result of being unattended in a motor
11 vehicle;

12 (e) Sexually abused; or

13 (f) Sexually exploited by allowing, encouraging, or
14 forcing such person to solicit for or engage in prostitution,
15 debauchery, public indecency, or obscene or pornographic
16 photography, films, or depictions;

17 (2) Department means the Department of Health and Human
18 Services;

19 (3) Law enforcement agency means the police department or
20 town marshal in incorporated municipalities, the office of the
21 sheriff in unincorporated areas, and the Nebraska State Patrol; and

22 (4) Out-of-home abuse or neglect means abuse or neglect
23 occurring in day care homes, foster homes, day care centers, group
24 homes, and other child care facilities or institutions.

25 Sec. 4. Original sections 28-101 and 28-710, Revised
26 Statutes Supplement, 2004, are repealed.